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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letter Patent of:

Robert WENZ et al.

U.S. Patent No. 6,495,156 B2

Group Art Unit: 1615

Issued: December 17, 2002

Examiner: C. Azpiru

Allowed: July 2, 2002

For: BIOCEMENTS HAVING IMPROVED COMPRESSIVE STRENGTH

LETTER REGARDING SUBMISSION OF REPLACEMENT PRIORITY DOCUMENT

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

On October 22, 2002, Applicants received a Communication from the Office which stated that the Certified Copies of the Priority Document had not yet been received. Applicants responded by submitting a paper entitled "LETTER REGARDING SUBMISSION OF PRIORITY DOCUMENTS" on December 13, 2002.

With this paper, applicants submitted a copy of the application transmittal paper filed with the application on May 11, 2001. Box 15 on this transmittal paper indicated that the certified copy of the Priority Document accompanied the application papers.

Also enclosed was a copy of the front page of the certified Priority Document from counsel's file (Applicants' counsel keeps a copy of the front page in their files) and an excerpt from the Patent Office filing book of Applicants' counsel for the date May 11, 2001. The fourth entry on this document referred to Merck 2238 (Attorney docket number for the application in question). Under Papers Filed for this entry was the term "P.D.," which refers to the priority document. Also enclosed was a copy of the receipt postcard stamped by the Patent and Trademark Office on May 11, 2002, with respect to the filing of the application papers for the application in question. The box for priority documents was checked on this postcard indicating that the priority document was filed with the application.

In light of these documents, Applicants filed a "Request for Complete Notice of

Allowance" (copy enclosed) on August 22, 2002, requesting acknowledgement of receipt of the certified copy of the priority document. For the reasons discussed above, it is respectfully submitted that the October 22, 2002 Communication from the Patent Office was issued in error. The above evidence demonstrates that Applicants did file a certified copy of the priority document.

In any event, it appears that the certified copy of the priority document, European patent application EP 00110045.2, is not present in the file. Enclosed herewith is a new certified copy of the priority document. .

Respectfully submitted,



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